

RECEIVED  
CENTRAL FAX CENTER  
DEC 13 2004

FAX  
Cover Page

To;  
Commisioner for Patents,  
P.O. Box 1450,  
Alexandria, VA 22313-1450

cc, Christopher S. Kim, Examiner

From;  
Ellis B. Nary  
2100 Alamander Ave.  
Englewood, Fl. 34223

Ellis B. Nary

December 13, 2004

2100 Alamander Ave.  
Englewood, FL 34223  
Cell: (941) 544-2598  
Fax: (941) 460-9996  
Email: chipnary@msn.com  
Art/ Unit 3752 / Application Number 10/664,766

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA. 22313-1450  
Attention: Primary Patent Examiner, Christopher S. Kim

Dear Examiner Kim,

Here is a brief summary of events

- (1) My ex-attorney received your action on Sept. 14, 2004.
- (2) I received said action via certified mail on Nov. 01, 2004 from him.
- (3) My ex attorney requested to withdraw as attorney under rule 10.40(c) on Nov. 11 (I now see documented in correspondence)(still not posted as changed)
- (4) I reverted the Power Of Attorney back to myself on Dec. 2, 2004. (I now see documented in correspondence) (still not posted as changed)
- (5) I did receive a phone call very early Thurs 12:21am. Although groggy I appreciated the response to my calls and information provided. Perhaps in the future we could try calling during normal waking hours. Thank you.
- (6) Meanwhile, please review my response as follows;

Please accept and enter to record the following response to my pending patent with application No. 10/664,766; filing date; 09/17/2003.

\* I understand the rejections citing appropriate paragraphs of 35 USC... and although I see similarities between my pool fountains and the prior art cited, two features still stand out that make this pool fountain system novel.

\* **BREAK-AWAY CONNECTOR.** The fountain support/supply bracket is attached and detached via a break-away connector that allows for water communication between pool circulation system and pool fountain system when attached with a simple snap into position, yet breaks away when unusual loads are imposed transversely to said vertical plane. This is stated in, claim 12, lines 7&8 on Pg 13 of 16. Shown in fig. 4 and described in lines 8 & 9 on Pg 3 of 16. and whose purpose is described in the Summary of Invention Pg 2 of 16 lines 18 thru 22.

\* Much to my horror I now realize my attorney did not change claim 20 (as he was supposed to before submitting final application.) to include the break-away coupling described elsewhere. The same claim is achieved, however, in a less developed manner the way it is written. The break-away connector makes the product viable in today's safety conscious swimming pool marketplace.

\* **INTERCHANGEABILITY OF FOUNTAINS.** The fountain support/supply bracket easily connects to various fountains designed to connect and communicate water flow with a twist and lock connector. This is stated in claim 1 lines 11 & 12 on Pg 12 of 16. Typical fountains shown in figures 1,2,&6. The interchangeability of various fountains is a main feature of this pool fountain. I make no claim on a twist and lock adapter itself. Only the interchangeability of various fountains in communication with this supply/support bracket.

Thank you for your help with my patent.

Sincere Regards,

Ellis B. Nary

Date

### CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office;

Fax No. (703) 872-9306 on 12-13-04 (Date).

Typed or printed name of persons signing this certificate;

Ellis B. Nary

Signature

Ellis B. Nary